

IN RE:	PETITION FOR ADMIN. VARIANCE	* BEFORE THE
	S/S Britinay Lane, 240' E of	* DEPUTY ZONING COMMISSIONER
	the c/l of Biscay Court	* OF BALTIMORE COUNTY
	(9907 Britinay Lane)	* Case No. 95-337-A
	11th Election District	
	6th Councilmanic District	
	Kenneth M. Franke	
	Petitioner	

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 9907 Britinay Lane, located in the vicinity of Carney in the community of Britinay Manor. The Petition was filed by the owner of the property, Kenneth M. Franke. The Petitioner seeks relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence height of 60 inches in lieu of the permitted 42 inches and 48 inches for a fence that adjoins a neighbor's front yard at a distance of 0 feet to 20 feet. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked as Petitioner's Exhibits 1 and 1A.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

ORDER RECEIVED FOR FILING

Date

By

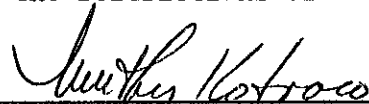
MICROFILMED

of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30<sup>th</sup> day of April, 1995 that the Petition for Administrative Variance seeking relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence height of 60 inches in lieu of the permitted 42 inches and 48 inches for a fence that adjoins a neighbor's front yard at a distance of 0 feet to 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 30, 1995

Mr. Kenneth M. Franke  
9907 Britinay Lane  
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Britinay Lane, 240' E of the c/l of Biscay Court  
(9907 Britinay Lane)  
11th Election District - 6th Councilmanic District  
Kenneth M. Franke - Petitioner  
Case No. 95-337-A

Dear Mr. Franke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File





# Petition for Administrative Variance

95-337-A

## to the Zoning Commissioner of Baltimore County

for the property located at 9907 BRITINAY LANE  
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 427.B To allow a fence

that adjoins a neighbors front yard at a distance of 0'-20'  
a height of 60" in lieu of the allowable 42" and 48"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Our side and rear yard coincide with the front yard of 9909 Britinay Lane, which prohibits us from installing a 60" fence needed to keep our dogs from roaming the neighborhood. Due to present zoning restrictions fences of a height of 42" are the maximum allowed in front yards.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

KENNETH M. FRANKE  
(Type or Print Name)

Kenneth M. Franke  
Signature

(Type or Print Name)

Signature

9907 BRITINAY LA 661-8806 (H)  
Address Phone No.

BALTO. MD. 21234  
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: CAM

DATE: 30 March 95

ESTIMATED POSTING DATE: \_\_\_\_\_

Printed with Soybean Ink  
on Recycled Paper

335  
MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9907 BRITINAY LANE  
address  
BALTIMORE MD. 21234  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We presently own a large and medium sized dog and wish to contain them securely on our property. It is for this reason we need to have a 60" fence installed to keep them from jumping our and roaming the neighborhood. Due to the positioning of the front yard of 9909 Britinay Lane which coincides with the side and rear of our back yard, we are prohibited from installing a 60" fence due to present zoning restrictions limiting fences of a height of 42" in front yards.

This unusual arrangement is due to the building layout designed by Ryan Homes

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Kenneth M. Franke  
(signature)  
KENNETH M. FRANKE  
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27<sup>th</sup> day of March, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3/27/95  
date

Gary A. Roof  
NOTARY PUBLIC  
My Commission Expires: 01/06/99

ZONING DESCRIPTION

This is a Zoning Description for 9907 Britinay Lane which begins at a point on the south side of Britinay Lane which is 50 feet wide (right-of-way width) at a distance of 240.91 feet east of the center line of Biscay Court which is also 50 feet wide (right-of-way width). Also known as Lot 52, Plat 2 of "BRITINAY II" as recorded in Baltimore County Land Records PLat Book 8M 56 Folio 99 and located in the 11<sup>th</sup> Election District 6<sup>th</sup> Councilmatic District

RECORDED

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Town, Maryland

95-337-A

District: 11th Date of Posting: 4/8/95  
Posted for: Variance  
Petitioner: Kenneth Frank  
Location of property: 9907 Brittainy Lane S/S  
Location of Signs: Facing road way, on property being zoned  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 4/14/95  
Number of Signs: 1





Baltimore County  
Zoning Administration &  
Development Management  
111 West Chosapeake Avenue  
Towson, Maryland 21204

receipt  
95-337-A

Account: R-001-6150

Number

Date

30 Mar 95

335

CAM

FRANKIE

9907 BRITNAY LN

010 - 50.00

080 - 35.00

---

85.00

UNRECORDED

01A01W0013MIC.IRC

\$85.00

PA 0003153PND 3-30-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 335

Petitioner: KENNETH M. FRANKE

Location: 9907 BRITINAY LANE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: KENNETH M. FRANKE

ADDRESS: 9907 BRITINAY LANE

BALTIMORE, MD. 21234

PHONE NUMBER: 661-8806

AJ:ggs

(Revised 04/09/93)

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 6, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-337-A (Item 335)  
9907 Britinay Lane  
S/S Britinay Manor, 240' E of c/l Biscay Court  
11th Election District - 6th Councilmanic  
Legal Owner: Kenneth M. Franke

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before April 9, 1995. The closing date (April 24, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Kenneth M. Franke

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 12, 1995

Mr. Kenneth M. Franke  
9907 Britinay Lane  
Baltimore, Maryland 21234

RE: Item No.: 335  
Case No.: 95-337-A  
Petitioner: Kenneth Franke

Dear Mr. Franke:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 30, 1995

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



MICROFILMED



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

4-7-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 335 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/11/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 10, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 331, 332, 333, 334, 335, 336,  
338 AND 339.

RECEIVED

APR 12 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: April 12, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 331, 332, 333, 334, 335, and 336.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

MICROFILMED

ITEM331/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: April 17, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for April 17, 1995  
Item No. 335

The Developers Engineering Section has reviewed the subject zoning item. According to the recorded plat, a 24-foot wide private ingress and egress and maintenance easement for Lots 50 and 51 runs between lots 49 and 52 (Franke Property). The variance plat indicates a 22-foot wide private easement. Please verify dimension.

We recommend that the fence be setback 10 feet from the driveway and property line of #9909. The good side of the fence should face the neighbors. In addition, screen planting should be provided in the 10-foot setback.

RWB:sw

4/17/95

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*

DATE: *4/19/95*

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: *4/10/95*

*ZAC Comments*

The Department of Environmental Protection & Resource Management has no  
comments for the following Zoning Advisory Committee Items:

Item #'s: *Rev # 316*

*330*

*331*

*333*

*334*

*335*

*336*

*337*

*338*

*339*

LS:sp

LETTY2/DEPRM/TXTSBP



# **PETITION PROBLEMS**

## **AGENDA OF APRIL 10, 1995**

### **#329 --- MJK**

1. No telephone number for legal owner.

### **#330 --- MJK**

1. No telephone number for legal owner.
2. Need power of attorney for personal representative (see Mitch's memo in file).
3. Petition was changed and initialed by "P.L." - Who is this person?

### **#334 --- CAM**

1. No councilmanic district on folder.
2. No item number on petition forms.
3. No estimated posting date on petition form.

### **#335 --- CAM**

1. No estimated posting date on petition form.
2. Notary section is incomplete.

### **#336 --- JJS**

1. "Charles Way" is one word - "Charlesway".

### **#337 --- JCM**

1. No telephone number for legal owner.
2. Need typed or printed name and title of person signing for contract purchaser.
3. Need authorization for person signing for contract purchaser.
4. Petitioner was not given copy of receipt; receipt left in folder.

### **#338 --- JCM**

1. Petitioner was not given copy of receipt; receipt left in folder.

### **#339 --- JLL**

1. Notary section is incomplete; only one signature was notarized.

**BALTIMORE COUNTY, MARYLAND**  
**Inter-Office Memorandum**

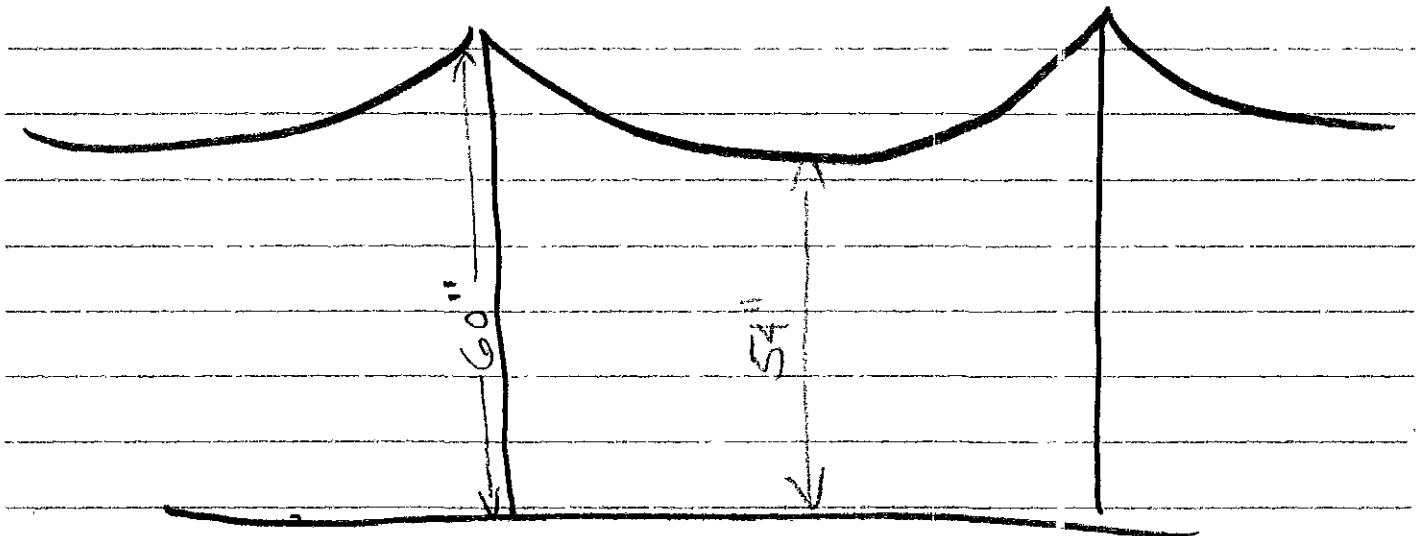
DATE: March 30, 1995

TO: Hearing Officer

FROM: Catherine A. Milton  
Planner I, ZADM

SUBJECT: Item #335  
9907 Britinay Lane

Site plan indicates "tapered fence". This is the proposed "scalloped"?



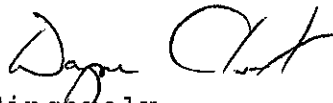
CAM:scj

**MICROFILMED**

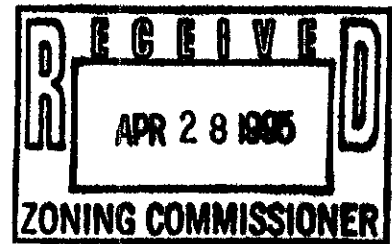
April 28, 1995

Baltimore County Zoning Office,

In reference to Mr. Frankes zoning situation, I have no reservations with Mr. Franke having a wood fence, of 60" of height, installed around his backyard which coinsides with my front yard. Please accept this letter as my approval in this matter.



Sincerely,  
Wayne Clements  
9909 Britinay Lane



# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: BRITINAY LANE

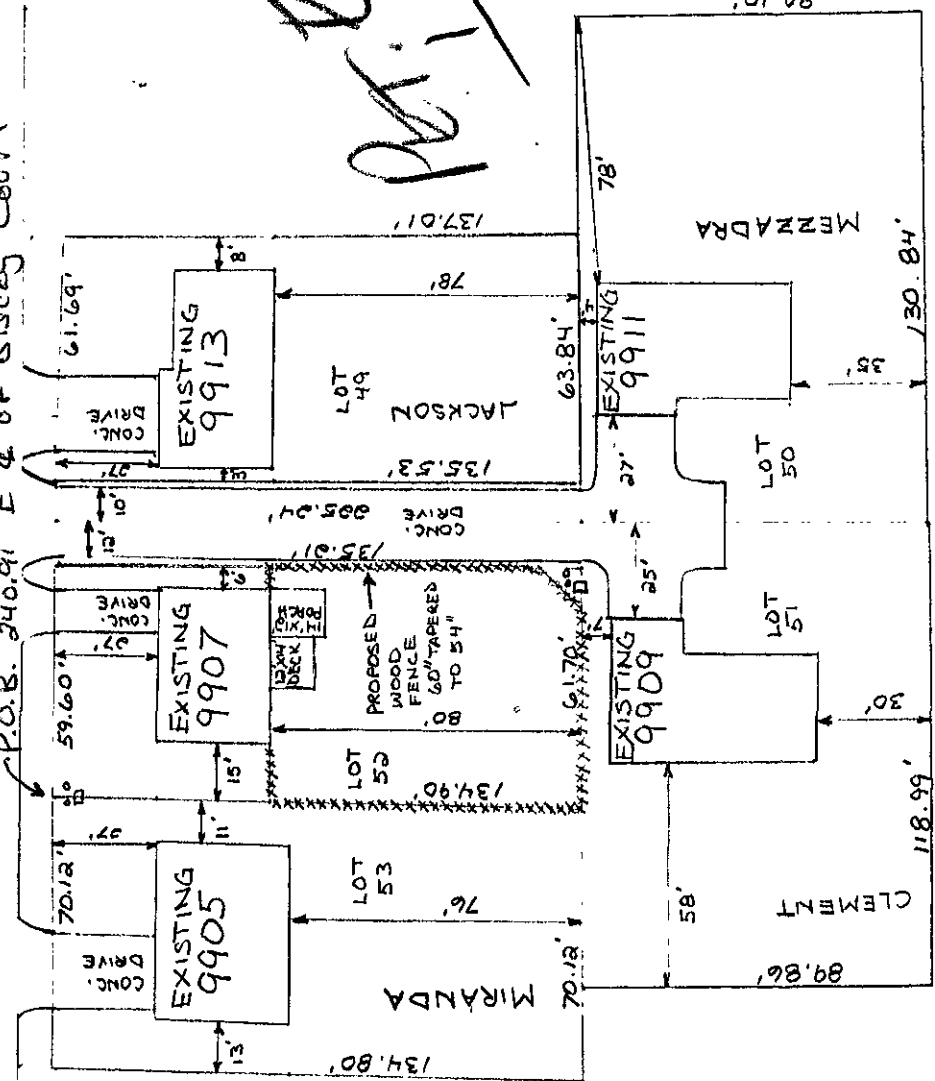
Subdivision name: BRITINAY MANOR

plat book # 56, folio # 99, lot # 52, section # 1

OWNER: KENNETH M. FRANKE

DEAD END  
RYMARK DR

BRITINAY LANE 30' MAC PAVING  
P.O.B. 240.91' E of Biscay Court



95-337-A



North

date: 3 20 95

prepared by: KMF

Scale of Drawing: 1" = 50'

## LOCATION INFORMATION

Election District: 11

Councilmanic District: 06

1"=200' scale map#: NE-IDE/10F

Zoning: DR 5.5

Lot size: 0.18 acreage  
8040.69 square feet

public private  
SEWER: ☒ ☐  
WATER: ☒ ☐  
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: NONE

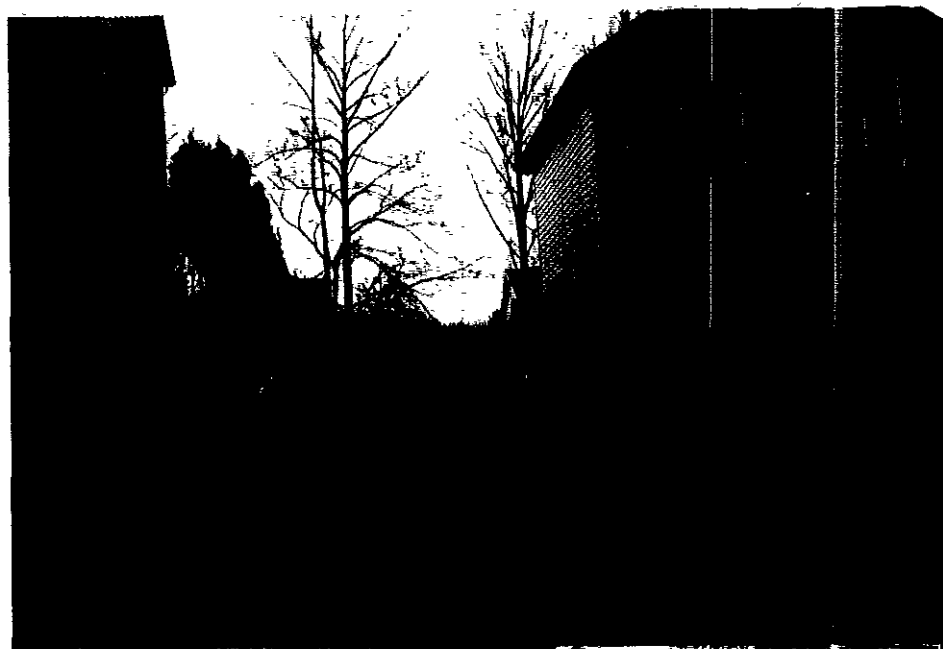
Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

335



①



②



③

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9907 BRITINAY LANE

Subdivision name: BRITINAY MANOR

Plat book# 298, lot# 52, section# 1

OWNER: KENNETH M. FRANKE

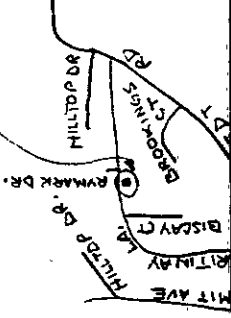
see pages 5 & 6 of the CHECKLIST for additional required information

DEAD END

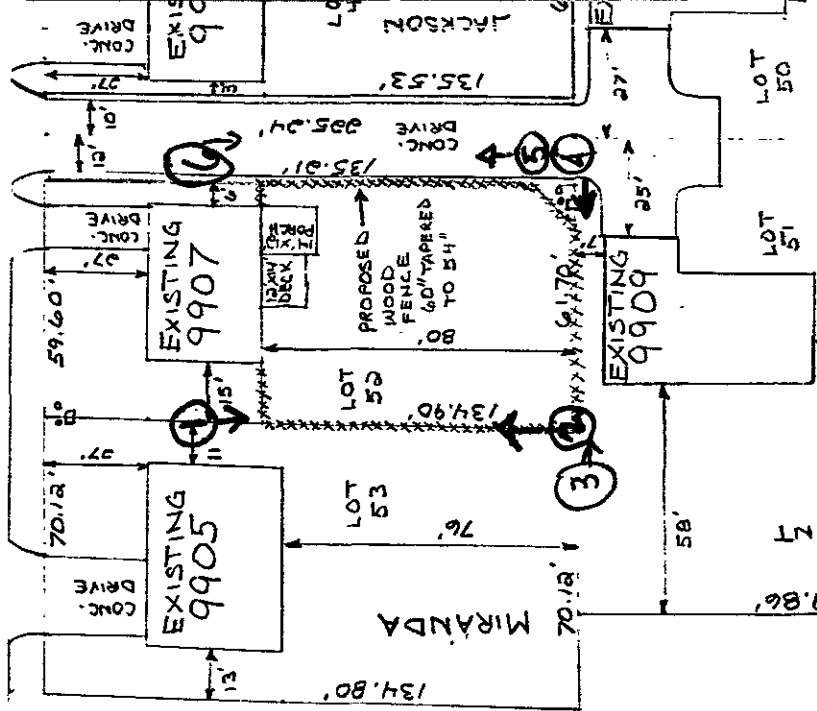
RYMARK DR

MICROFILMED

SUBJECT  
PROPERTY



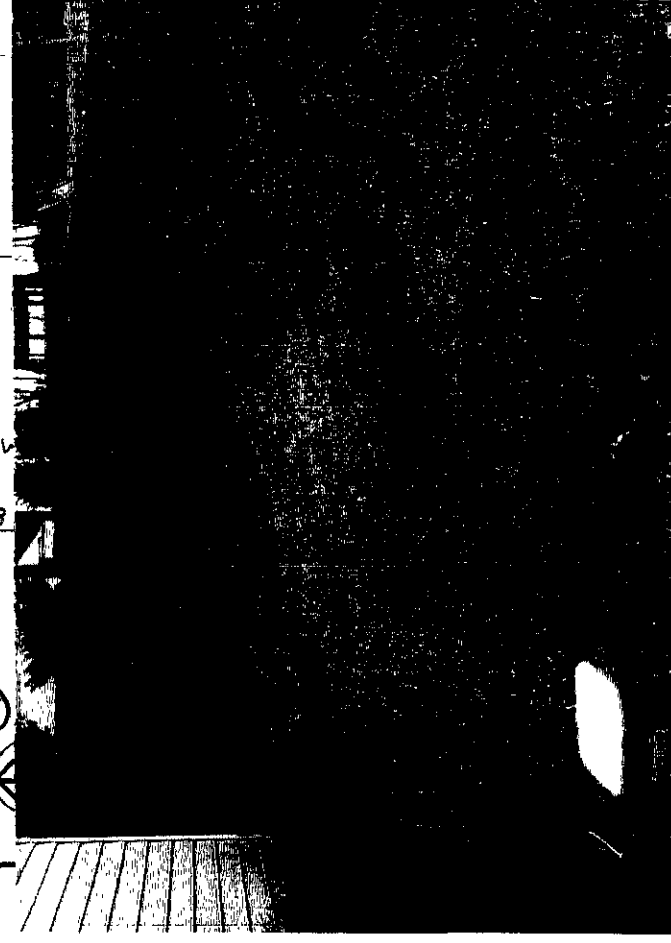
BRITINAY LANE 30' MAC PAVING



Chesapeake Bay Critical Area:

Prior Zoning Hearings:

NONE



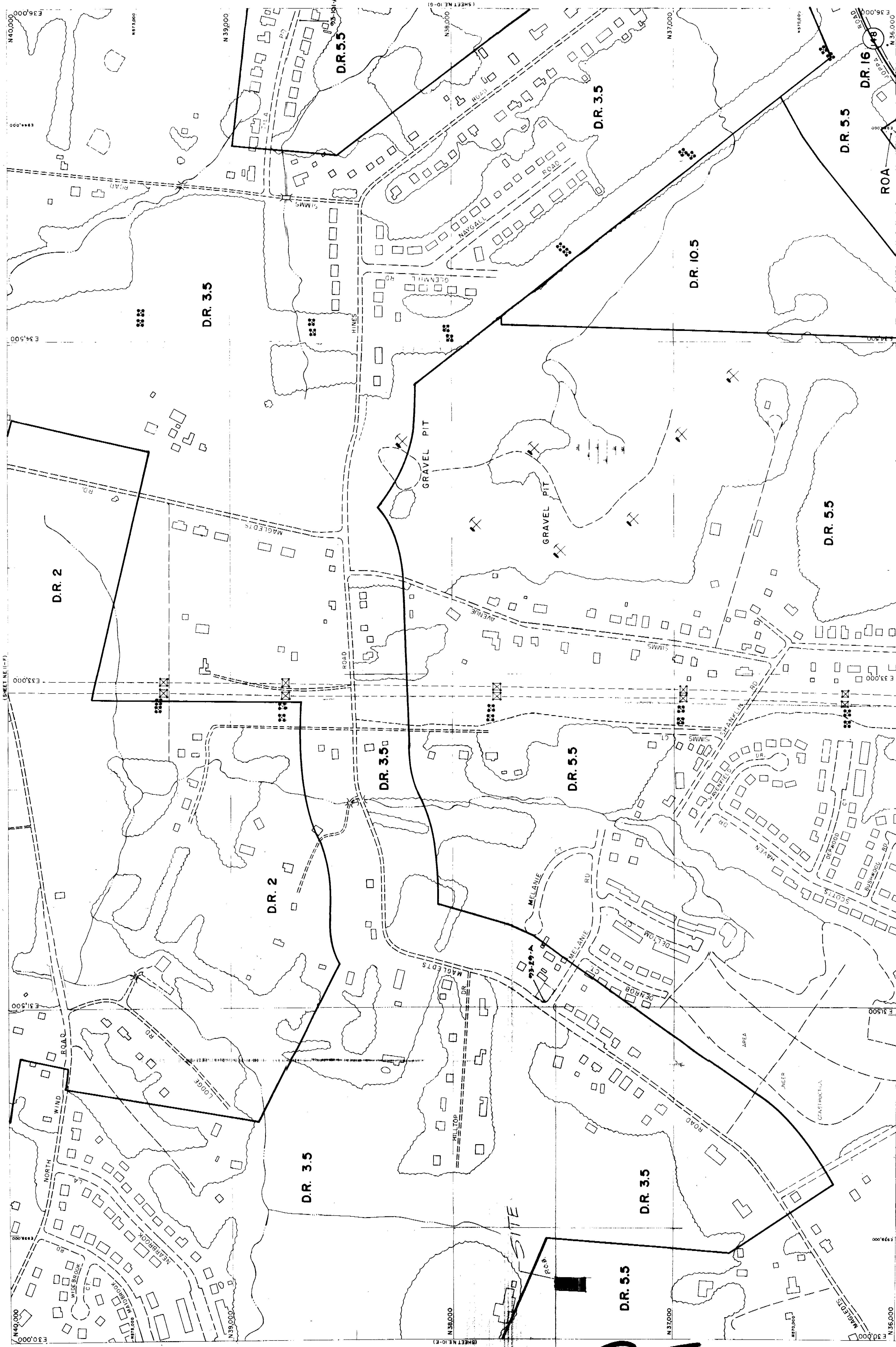




335	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP	SCALE	SHEET	MICROFILMED
		1" = 200' ±	LOCATION	N.E. 10-F
		DATE OF PHOTOGRAPHY JANUARY 1966		
		CARNEY PERRY HALL		
		PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401		

95-337-A





<b>BALTIMORE COUNTY</b> <b>OFFICE OF PLANNING AND ZONING</b> <b>OFFICIAL ZONING MAP</b>	
1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92	
SCALE 1" = 200'	DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION CARNEY PERRY HALL IO-F	
SHEET DR. 16	

N-NE M-NW  
R-SE Q-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

95-337-A



IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Britinay Lane, 240' E of  
the c/l of Biscay Court  
(9907 Britinay Lane)  
11th Election District  
6th Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-337-A

Kenneth M. Franke  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 9907 Britinay Lane, located in the vicinity of Carney in the community of Britinay Manor. The Petition was filed by the owner of the property, Kenneth M. Franke. The Petitioner seeks relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence height of 60 inches in lieu of the permitted 42 inches and 48 inches for a fence that adjoins a neighbor's front yard at a distance of 0 feet to 20 feet. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked as Petitioner's Exhibits 1 and 1A.

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The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of April, 1995 that the Petition for Administrative Variance seeking relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence height of 60 inches in lieu of the permitted 42 inches and 48 inches for a fence that adjoins a neighbor's front yard at a distance of 0 feet to 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 2 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 30, 1995

Mr. Kenneth M. Franke  
9907 Britinay Lane  
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Britinay Lane, 240' E of the c/l of Biscay Court  
(9907 Britinay Lane)  
11th Election District - 6th Councilmanic District  
Kenneth M. Franke - Petitioner  
Case No. 95-337-A

Dear Mr. Franke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

file

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently reside at 9907 BRITINAY LANE

BALTIMORE MD 21234

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hearing or practical difficulty)

We presently own a large and medium sized dog and wish to contain them securely on our property. It is for this reason we need to have a 60" fence installed to keep them from jumping out and roaming the neighborhood. Due to the positioning of the front yard of 9907 Britinay Lane which coincides with the side and rear of our back yard we are prohibited from installing a 60" fence due to present zoning restrictions limiting fences of a height of 42" in front yards.

This unusual arrangement is due to the building layout designed by Ryan Homes.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*Kenneth M. Franke*  
KENNETH M. FRANKE  
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 27th day of March, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESSES my hand and Notarial Seal

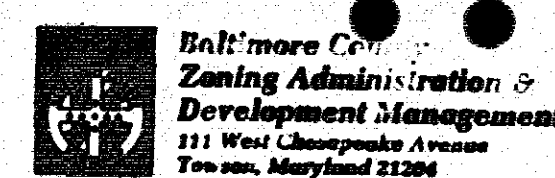
3/27/95  
My Commission Expires 01/04/99

#### ZONING DESCRIPTION

This is a Zoning Description for 9907 Britinay Lane which begins at a point on the south side of Britinay Lane which is 50 feet wide (right-of-way width) at a distance of 240.91 feet east of the center line of Biscay Court which is also 50 feet wide (right-of-way width). Also known as Lot 52, Plat 2 of "Britinay II" as recorded in Baltimore County Land Records Plat Book 56 Folio 99 and located in the 11th Election District 6th Councilmanic District

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 4/27/95  
Posted for: Variance  
Petitioner: Kenneth Franke  
Location of property: 9907 Britinay Lane, 4th fl.  
Location of Signs: Along roadway on property being posted.  
Remarks:  
Posted by: *William* Date of return: 4/15/95  
Number of Signs: 1



Date: 30 Mar 95

FRANKE

9907 BRITINAY LN

010 - 50.00

080 - 35.00

85.00

receipt  
95-337-A

Account: B-011-6180

Number

335

CAM

01418001.261CNC  
PA 1203133P03-30-95 \$65.00

Please Note: Check Payment To Baltimore County

## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9907 BRITINAY LANE

which is presently zoned DUS-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 427.B to allow a fence that adjoins a neighbor's front yard at a distance of 0 feet to 20 feet, in accordance with the allowable 42" and 48" a height of 60" in lieu of the allowable 42" and 48".

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Our side and rear yard coincide with the front yard of 9909 Britinay Lane which prohibits us from installing a 60" fence needed to keep our dogs from roaming the neighborhood. Due to present zoning restrictions fences of a height of 42" are the maximum allowed in front yards.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do hereby declare and affirm under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Kenneth M. Franke

Signature

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111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 6, 1995

**NOTICE OF CASE NUMBER ASSIGNMENT**

Re: CASE NUMBER: 95-337-A (Item 335)  
9907 Brittain Lane  
S/S Brittain Manor, 240' S of S of Brittain Court  
11th Election District - 6th Councilmanic  
Legal Owner: Kenneth M. Franke

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 9, 1995. The closing date (April 24, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Carl Jablon*  
Arnold Jablon  
Director

cc: Kenneth M. Franke

Printed with Soybean Ink  
on Recycled Paper



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 12, 1995

Mr. Kenneth M. Franke  
9907 Brittain Lane  
Baltimore, Maryland 21234

RE: Item No.: 335  
Case No.: 95-337-A  
Petitioner: Kenneth Franke

Dear Mr. Franke:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 30, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

4-7-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 335 (CAH)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/11/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1109

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 10, 1995.

Item No.: SEE BELOW Zoning Agenda:

Section:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the contents below are applicable and provision to be corrected or incorporated into the final plans for the property.

5. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 331, 332, 333, 334, 335, 336, 337 AND 338.

**RECEIVED**  
APR 12 1995  
**ZADM**

REVIEWER: LT. ROBERT P. SNIDERWALD  
Fire Marshal Office, PHONE 887-4681, HQ-1102F

cc: File

Printed on Recycled Paper

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: April 12, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 331, 332, 333, 334, 335, and 336.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*  
Division Chief: *Cam L. Keller*

PK/JL

ITEMS331/PZOMB/ZAC1

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: April 17, 1995

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for April 17, 1995  
Item No. 335

The Developers Engineering Section has reviewed the subject zoning item. According to the recorded plat, a 24-foot wide private ingress and egress and maintenance easement for Lots 50 and 51 runs between lots 49 and 52 (Franke Property). The variance plat indicates a 22-foot wide private easement. Please verify dimension.

We recommend that the fence be setback 10 feet from the driveway and property line of #9909. The good side of the fence should face the neighbors. In addition, screen planting should be provided in the 10-foot setback.

RWB:aw

**BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT**

**INTER-OFFICE CORRESPONDENCE**

TO: ZADM *Joyce Watson*

DATE: *4/19/95*

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: *4/19/95*

*ZAC Comments*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: *Rev # 316*

*330*  
*331*  
*333*  
*334*  
*335*  
*336*  
*337*  
*338*  
*339*

LS:sp

LETTY2/DEPRM/TXTSBP

**PETITION PROBLEMS  
AGENDA OF APRIL 10, 1995**

#329 — MJK

1. No telephone number for legal owner.

#330 — MJK

1. No telephone number for legal owner.  
2. Need power of attorney for personal representative (see Mitch's memo in file)  
3. Petition was changed and initialed by "P.L." - Who is this person?

#334 — CAM

1. No councilmanic district on folder.  
2. No item number on petition forms.  
3. No estimated posting date on petition form.

#335 — CAM

1. No estimated posting date on petition form.  
2. Notary section is incomplete.

#336 — JJS

1. "Charles Way" is one word - "Charlesway".

#337 — JCM

1. No telephone number for legal owner.  
2. Need typed or printed name and title of person signing for contract purchaser.  
3. Need authorization for person signing for contract purchaser.  
4. Petitioner was not given copy of receipt; receipt left in folder.

#338 — JCM

1. Petitioner was not given copy of receipt; receipt left in folder.

#339 — JLL

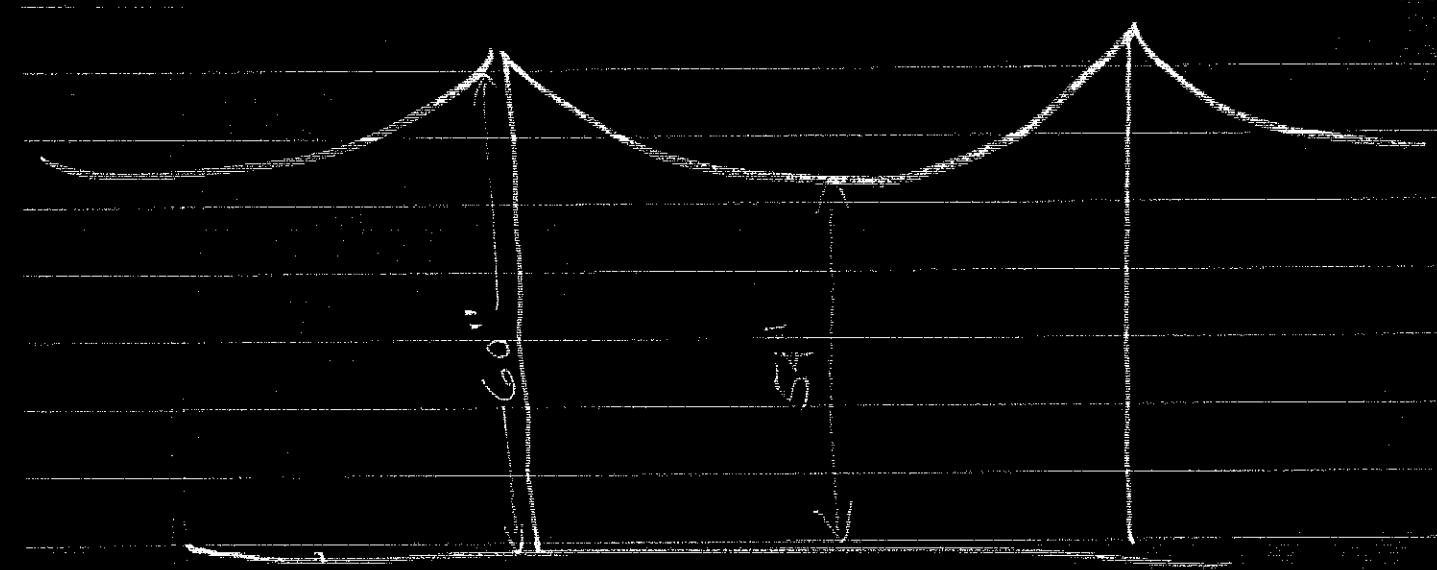
1. Notary section is incomplete; only one signature was notarized.



BALTIMORE COUNTY, MARYLAND  
Inter-Office Memorandum

DATE: March 30, 1995  
TO: Hearing Officer  
FROM: Catherine A. Milton  
Planner I, ZADM  
SUBJECT: Item #335  
9907 Britinay Lane

Site plan indicates "tapered fence". This is the proposed "scalloped"?



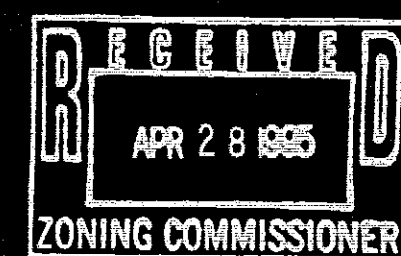
CAM:scj

April 28, 1995

Baltimore County Zoning Office,

In reference to Mr. Frank's zoning situation, I have no reservations with Mr. Frank having a wood fence, of 60" or height, installed around his backyard which coincides with my front yard. Please accept this letter as my approval in this matter.

Sincerely,  
Wayne Clements  
9909 Britinay Lane



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9907 BRITINAY LANE

Subdivision name: BRITINAY MANOR

Plat book: 511, folio 19, lot 58, section 5

OWNER: KENNETH M. FRANK

BRITINAY LANE 30' MAC PAVING

EXISTING 9905, EXISTING 9907, EXISTING 9915, EXISTING 9909, EXISTING 9911

LOT 53, LOT 52, LOT 51, LOT 50, LOT 49, LOT 48

MIRANDA, JACKSON, MEZZADA, CLEMENT

Scale of Drawing: 1" = 50'

North arrow, date: 3-30-95, prepared by: KMF

LOCATION INFORMATION

Election District: 11

Councilmanic District: 06

1" = 200' scale map: NE-10E/10F

Zoning: D, R-5.5

Lot size: 0.18 acreage, 8040.69 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: 335, CASE #:

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9907 BRITINAY LANE

Subdivision name: BRITINAY MANOR

Plat book: 511, folio 19, lot 58, section 5

OWNER: KENNETH M. FRANK

BRITINAY LANE 30' MAC PAVING

EXISTING 9905, EXISTING 9907, EXISTING 9915, EXISTING 9909, EXISTING 9911

LOT 53, LOT 52, LOT 51, LOT 50, LOT 49, LOT 48

MIRANDA, JACKSON, MEZZADA, CLEMENT

Scale of Drawing: 1" = 50'

North arrow, date: 3-30-95, prepared by: KMF

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SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☐

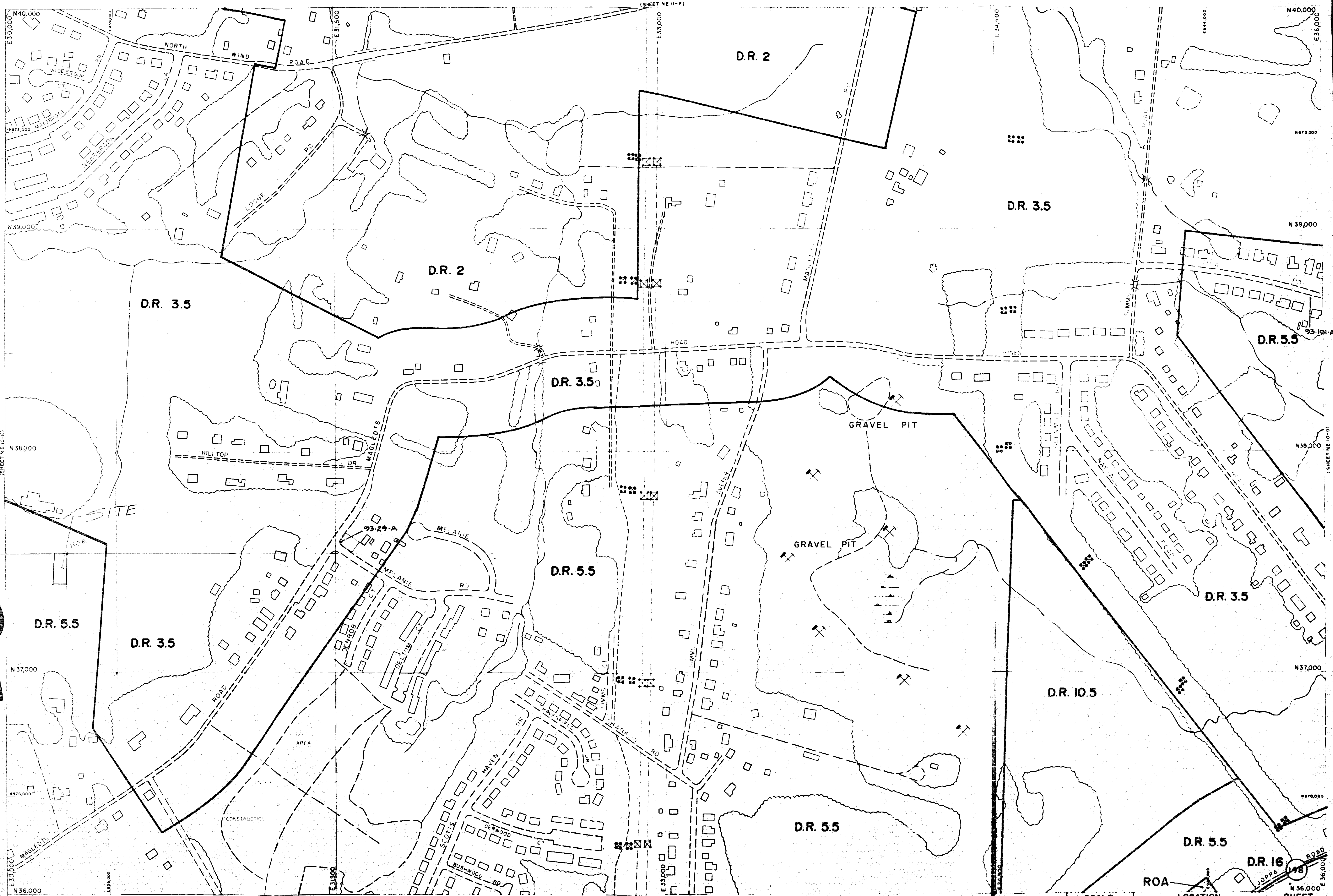
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: 335, CASE #:



95-337-A



N-NE M-NW  
R-SE Q-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

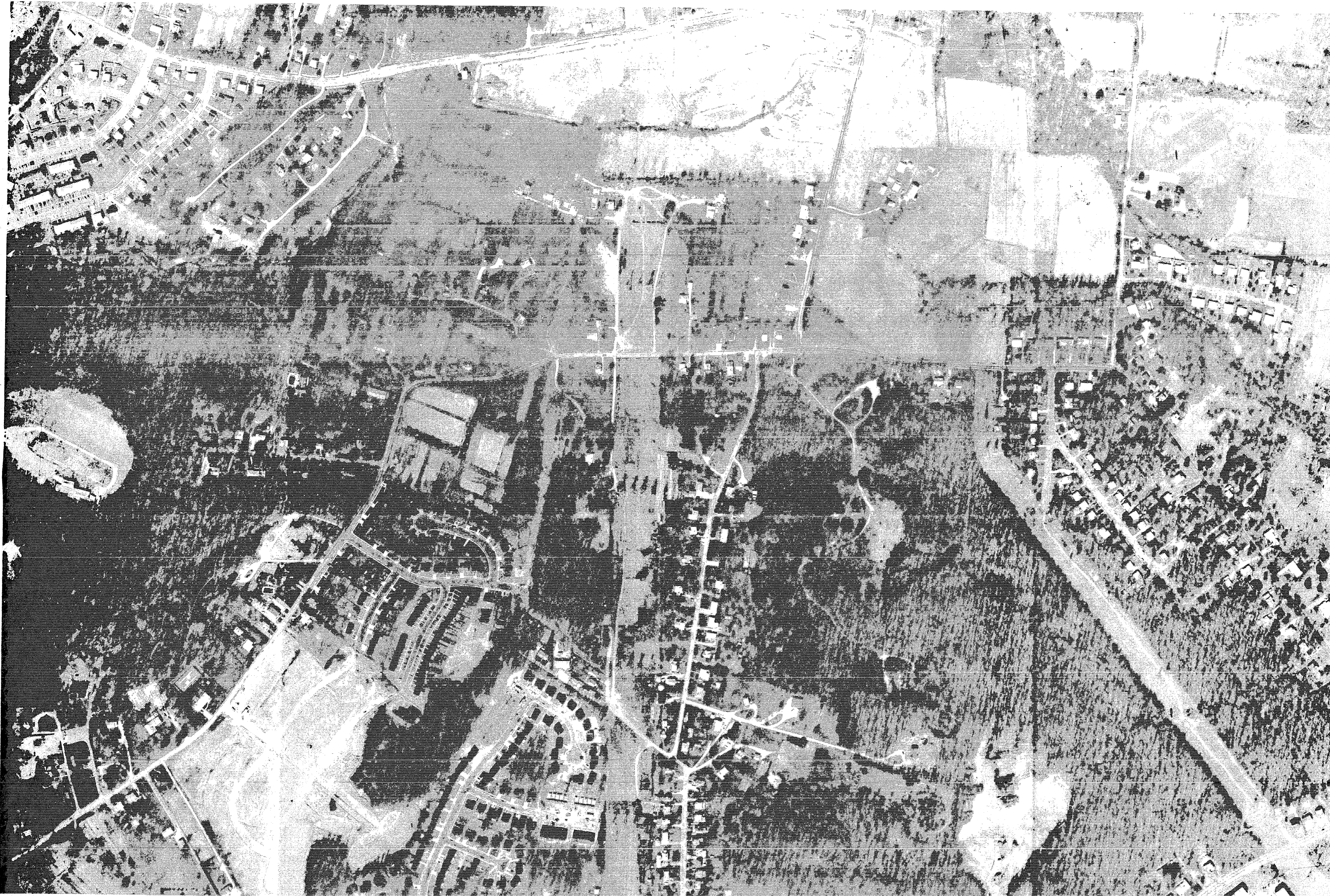
*William A. Howard*  
Chairman, County Council

SCALE  
1" = 200'  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

ROA LOCATION  
CARNEY  
PERRY HALL  
N.E.  
10-F



95-337-A



335

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	CARNEY	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	PERRY HALL	10-F